

Applicant: Sumio Kawai
Application No.: 10/600,363

REMARKS/ARGUMENTS

The present application contains claims 1-31. Claims 1, 4, 9, 12, 15, 19-26, 28, 29 and 31 have been amended to cure minor informalities therein, and to provide proper antecedents.

Applicant thanks Examiner Misleh for the courtesy of granting a telephone interview conducted on September 5, 2007.

Applicant respectfully asks that the Examiner reconsider the position that claims 4 and 22 are not drawn to the elected invention.

Making reference to Paragraph [0106], bridging pages 25 and 26 of the substitute specification, which paragraph is specifically directed to the embodiment of Figure 6, it should be noted that the optical element 9 is described as "an optical element, such as a glass plate having a refractive index of substantially equal to that of crystal and not having a double refraction characteristic."

Comparing this language with amended claim 4, it should be noted that there is no recitation of "a double refraction characteristic" in claim 4. Claim 4, as amended, recites "the refractive index of the compensating optical system is substantially equal to that of crystal," i.e., the identical language found in Paragraph [0106] and recited above. It should be noted that claim 22, as amended, recites substantially the identical feature as recited in claim 4. It is thus submitted

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that claims 4 and 22, as amended, are directed to the elected species of Figures 5 and 6 and should be examined together with claims 1-3, 5-21 and 23-31.

Examiner, in paragraph 1, page 2 of the last Official Action recites that Figures 7 and 8, is described in Paragraph 126, indicates that the infrared cut filter 8F has the same refractive index as that of crystal but does not have a double refractive characteristic and that claims 4 and 22 appear to directly correspond to this feature – disclosed with species II (Figs. 7 and 8). It should be noted that claims 4 and 22 do not recite an "infrared cut filter" and, as was pointed out above, neither claims 4 nor 22 have any recitation of a "double refraction characteristic."

In view of the fact that claims 4 and 22, as amended, recite substantially the identical text found in Paragraph [0106] which specifically refers to the embodiment of Figure 6, it is submitted that claims 4 and 22, recite limitations shown in the elected embodiment of Figs. 5-6 and reconsideration and inclusion of these claims as being directed to the elected invention is earnestly solicited.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1-31, is in condition for examination and allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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